

MOTION BY SUPERVISOR YVONNE B. BURKE

JUNE 27, 2006

Baldwin Hills is an unincorporated community that has included as part of its landscape historical oil and gas production operations dating back to the 1920s.

Culver City and members of the Baldwin Hills community have recently expressed concerns about the oil production operations occurring in the Baldwin Hills Zoned District. The primary concerns expressed are the visual intrusion of oil wells, the release of noxious fumes and odors that have negatively impacted the community within the last year, and the juxtaposition of oil and gas production to public parkland, commercial and residential areas.

Accordingly, it is appropriate for the County to adopt an interim urgency ordinance to impose additional temporary restrictions on the drilling of new wells and the deepening of existing wells in the Baldwin Hills Zoned District and initiate a zoning study to consider potential additional permanent regulations of these historical oil and gas production operations in that area, including a determination of the appropriate environmental review to be required.

- M O R E -

MOTION

MOLINA _____

BURKE _____

YAROSLAVSKY _____

KNABE _____

ANTONOVICH _____

MOTION BY SUPERVISOR YVONNE B. BURKE

JUNE 27, 2006

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I, THEREFORE, MOVE THAT THE BOARD OF SUPERVISORS:

1. Find that the adoption of this interim urgency ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15061(b)(3), 15261(b), and 15262;

2. Adopt the attached interim urgency ordinance temporarily imposing additional conditions and requiring site plan approval to drill any new oil well or to deepen any existing well on A-2 and M-1 1/2 zoned properties in the Baldwin Hills Zoned District;

3. Direct the Director of Regional Planning to initiate a zoning study for further regulation of oil and gas production operations in the Baldwin Hills Zoned District; and

4. Direct the Executive Officer/Clerk of the Board of Supervisors to set a public hearing to consider an extension of this urgency ordinance on August 8, 2006 at 9:30 a.m.

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(YBB:MSB:ec Baldwin Hills Zoned District mot 062706)



COUNTY OF LOS ANGELES
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RAYMOND G. FORTNER, JR.

County Counsel

June 22, 2006

Honorable Yvonne B. Burke
Supervisor, Second District
866 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Attention: Mike Bohlke, Planning Deputy

Re: Baldwin Hills Zoned District Interim Urgency Ordinance


Dear Supervisor:

Pursuant to your request, enclosed are an analysis and interim urgency ordinance for your consideration to temporarily regulate oil well drilling on Heavy Agricultural (A-2) and Restricted Heavy Manufacturing (M-1½) zoned property in the Baldwin Hills Zoned District. This ordinance is an urgency measure and requires a four-fifths vote by the Board of Supervisors for adoption. This ordinance expires forty-five (45) days after its adoption, unless extended pursuant to Government Code section 65858.

Very truly yours,

RAYMOND G. FORTNER, JR.

County Counsel

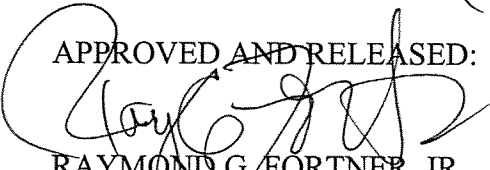
By 

ELAINE M. LEMKE

Principal Deputy County Counsel

Property Division

(for)
APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.

County Counsel

EML:di

Enclosures

HOA.375226.1


ANALYSIS

This interim ordinance temporarily regulates oil well drilling on Heavy Agricultural (A-2) and Restricted Heavy Manufacturing (M-1½) zoned property in the Baldwin Hills Zoned District.

This ordinance is an urgency measure and requires a four-fifths vote by the Board of Supervisors for adoption.

This ordinance expires forty-five (45) days after its adoption, unless extended pursuant to Government Code section 65858.

RAYMOND G. FORTNER, JR.
County Counsel

(for) By 
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:di

06/19/06 (requested)

06/20/06 (revised)

ORDINANCE NO. _____

An interim ordinance temporarily regulating the use of Heavy Agricultural (A-2) and Restricted Heavy Manufacturing (M-1½) zoned property in the Baldwin Hills Zoned District and declaring the urgency thereof.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Interim Prohibition.

No new oil wells shall be drilled or existing wells deepened upon any property that is both: (1) within the geographical area of the Baldwin Hills Zoned District as identified in Section 22.16.230 of Title 22 of the Los Angeles County Code ("County Code"); and (2) zoned A-2 or M-1½ as defined in Title 22 of the County Code, except as provided by this interim ordinance.

SECTION 2. Oil Well Drilling.

No new oil well shall be drilled or existing well deepened on either A-2 or M-1½ zoned property in the Baldwin Hills Zoned District unless a site plan is first submitted to and approved by the Director of the Department of Regional Planning ("Director") in accordance with the procedures set forth in Part 12 of Chapter 22.56 of said Title 22 of the County Code and in this interim ordinance.

In addition to ensuring compliance with the conditions applying to oil wells set forth in Section 22.24.120.D of Title 22 of the County Code, the Director shall also require that the new or deepened well site plan approval be subject to the following additional conditions:

1. Landscaping shall be planted at the periphery of the property containing new or deepened well drilling operations, to beautify and screen the operations from adjoining or adjacent public streets or highways to the satisfaction of the Director;

2. A revegetation and screening plan for the new or deepened well site plan shall be submitted to and approved by the Director; the revegetation and screening plan shall ensure that, upon the completion of the drilling of a new or deepened well, the drill site shall be placed in a clean condition and shall be landscaped with appropriate vegetation so as to screen from public view to the extent reasonable and feasible, the tanks and other permanent equipment; such landscaping shall be maintained in good condition;

3. All visible structures of the new or deepened wells drilled during the pendency of this interim ordinance shall be painted or otherwise surfaced with a color compatible with the surrounding area to the satisfaction of the Director;

4. Drilling operations shall be limited to no more than one and one-half oil rigs at a time averaged over the life of the interim ordinance;

5. Oil production facilities shall be designed and/or housed and operated so that odor shall be limited to a minimum and so that noise and vibrations conform to the limits as specified in Chapter 12.08 of Title 12 (the noise control ordinance) of the County Code;

6. At all times during drilling operations, the operator shall maintain enhanced monitoring equipment that shall monitor and digitally record the emission of

hydrogen sulfide and combustible gases at detection limits of no less than one part per million for sulfides and 10 percent of lower explosive limits for combustible gases. Such monitors shall provide an automatic alarm, triggered by the detection of hydrogen sulfide at five parts per million, or above, and 10 percent, or above, of lower explosive limits for combustible gases; audible or visible to the operator of any drilling equipment. As soon as possible after an alarm event is received, and no later than four hours thereafter, the operator must notify all appropriate agencies including the Culver City Fire Department, the Los Angeles County Fire Department – Hazardous Materials Unit, the State Department of Conservation, Division of Oil, Gas and Geothermal Resources ("DOGGR"), and the South Coast Air Quality Management District ("SCAQMD") (collectively, "Investigating Agencies"). The operator shall maintain a 24-hour hotline for odor complaints and maintain records of such calls. Upon the receipt of two or more odor complaints within six (6) hours of an alarm event, the operator shall immediately cease operation of any well(s) at which the detection limits were exceeded, except: (1) to perform such work as may be necessary to eliminate continuing emissions or to permanently secure the well, or as otherwise may be directed by the Investigating Agencies; or (2) unless the appropriate Investigating Agencies find that no hazard exists and mitigations are in place to minimize to the extent feasible recurrence of the source of the odor. The operator shall immediately make available all monitoring equipment records to any of the Investigating Agencies upon verbal or written request to any of the operator employees working at or near the location of the monitoring equipment. The operator shall reimburse the Investigating Agencies for the actual costs of responding to

an alarm event and/or responding to a release of odor that has generated two or more complaints which are determined to be related to events caused by the operator; and

7. No site plan review application for a new or deepened well shall be approved unless the applicant files and maintains a current well program acceptable to the Director, which describes for the succeeding six (6) months the locations and numbers of proposed new or deepened drilling sites in the Baldwin Hills Zoned District. The plan shall also depict proposed well abandonments and consolidations of well sites for the same period.

Multiple oil wells may be approved in one site plan review application.

The Department of Regional Planning ("Department") shall designate and make reasonably available as a single point of contact a planner to review and act upon all applications for oil well operations, as appropriate, under the terms of this interim ordinance.

Exhibit A to this interim ordinance, which is incorporated by reference herein, is a complete list of oil wells for which permits have been applied for or obtained from DOGGR within the Baldwin Hills Zoned District during the one-year period immediately preceeding the adoption of this interim ordinance. No well depicted on Exhibit A is located: (1) within 1,000 feet of any residential dwelling within Culver City; (2) within or beyond the zone known as the Nodular Shale; or (3) within the Culver City Viewshed, as defined in this interim ordinance. "Culver City Viewshed" means any location for which there exists a direct sightline from any residential, commercial, or recreation area

within Culver City limits to any part of a pumping rig or unit, but not including a drilling rig, that may be erected at such location.

In no event shall an oil well that is not depicted on Exhibit A be drilled or deepened prior to January 1, 2007; unless such well is also located more than 1,000 feet from any residential dwelling within Culver City and is outside the Culver City Viewshed; although applications for site plan approval for wells not meeting the above criteria may be filed and processed by the Department prior to January 1, 2007.

SECTION 3. Authority.

Section 65858 of the Government Code ("Section 65858") provides that an urgency measure in the form of an initial interim ordinance may be adopted without prior public notice by a four-fifths vote of the Board of Supervisors, which shall be effective for only forty-five (45) days following its adoption. Section 65858 further provides that such an urgency measure may be extended, following compliance with that section, for up to an additional twenty-two (22) months and fifteen (15) days beyond the original forty-five (45) day period.

SECTION 4. Definitions and Penalties.

The definitions and penalties for land use violations that are prescribed in Title 22 of the County Code shall apply to violations of the provisions of this interim ordinance.

SECTION 5. Zoning Study to be Initiated.

The Department intends to conduct a comprehensive zoning study to review all A-2 and M-1½ zoned properties in the Baldwin Hills Zoned District to consider a

possible permanent zoning ordinance amendment with respect to oil well operations and activities.

SECTION 6. Determination of Immediate Threat.

Although oil wells have existed for many decades in the Baldwin Hills Zoned District, in the past year, there has been a number of complaints by nearby residents reported to the County, the SCAQMD, and the City of Culver City relating to oil well operations in the affected area. On at least one occasion in the last six (6) months, a notice of violation was issued by the SCAQMD as the odors, attributed to oil well operations, were considered a nuisance. These complaints coincide with a dramatic upsurge in the drilling and deepening of oil wells in this area. Since January 2005, approximately 60 permits were issued by the state and 10 to 20 new wells have been opened in the affected area. Also, the drilling of additional wells or deepening of existing wells without adequate controls may negatively impact the quality of life for nearby residents due to the possibility of ever-increasing odor occurrences and releases of noxious gases as well as other potential adverse impacts including noise, visual, traffic, and vibration impacts. Unless this interim ordinance takes immediate effect as provided for herein, an irreversible incompatibility of land uses might reasonably occur as a result of the drilling or deepening of new wells in the affected area, all to the detriment of the public health, safety, and welfare. Accordingly, the Board of Supervisors finds that there is a current and immediate threat to the public health, safety, or welfare, and that the drilling or deepening of new wells and the approval of

any required additional subdivisions, variances, building permits, site plans, or any other applicable entitlements in connection therewith would result in that threat to the public health, safety, or welfare absent implementation of the restrictions contained in this ordinance. If this interim ordinance does not take immediate effect, new oil wells may be drilled or existing oil wells deepened that might conflict with any permanent amendment to Title 22 of the County Code for the Baldwin Hills Zoned District that may be adopted as a result of the Department study, and these uses may continue after any permanent rezoning of the properties in the Baldwin Hills Zoned District.

SECTION 7. Severability.

If any provision of this interim ordinance or the application thereof to any person, property, or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and, to this end, the provisions of the interim ordinance are hereby declared to be severable.

SECTION 8. Urgent Need.

This interim ordinance is urgently needed for the immediate preservation of the public health, safety, and welfare, and it shall take effect immediately upon adoption, and it shall be of no further force and effect forty-five (45) days following the date of its adoption unless extended in accordance with the provisions set forth in Section 65858.

[Baldwin Hills EL CoCo]

EXHIBIT A

PXP 2006 DRILLING PROGRAM – PERMITTED WELLS

LEASE	WELL	SEC	PERMIT DATE	STATUS
BC-LAI 1	800	17	12/6/2005	Drilled
BC	701	17	12/6/2005	Drilled
BC	901	17	12/6/2005	Drilled
VRU	805	8	12/12/2005	Drilled
VRU	704	8	12/12/2005	Drilled
VRU	304	8	12/12/2005	Not Drilled
VRU	303	8	12/12/2005	Not Drilled
VRU	291	8	12/12/2005	Not Drilled
VRU	290	8	12/12/2005	Not Drilled
VRU	605	8	12/12/2005	Drilled
VRU	703	8	2/8/2006	Not Drilled
VRU	903	8	2/8/2006	Drilling
LAI 1	447	17	2/24/2006	Drilling
LAI 1 BC	448	17	2/24/2006	Not Drilled
BC	2167	17	3/6/2006	Drilled
BC LAI 1	2367	17	3/6/2006	Drilling
LAI Comm 1	2178	16	3/13/2006	Not Drilled
Bradna Comm	2378	16	3/13/2006	Not Drilled
Stocker	2468	16	3/13/2006	Not Drilled
Marlow Burns	2478	16	4/6/2006	Not Drilled
LAI 1	2067	17	3/10/2006	Drilled
Marlow Burns	2278	16	3/13/2006	Not Drilled
Stocker	2268	16	3/13/2006	Not Drilled
VRU	904	8	3/20/2006	Drilled
LAI 1	426	8	3/20/2006	Not Drilled
VRU	360	8	3/16/2006	Not Drilled
VRU	361	8	3/20/2006	Not Drilled
VRU	362	8	3/16/2006	Not Drilled
LAI 1	2267	17	4/11/2006	Drilled
Stocker	2078	16	4/24/2006	Not Drilled
Stocker	2568	16	4/24/2006	Not Drilled